

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA**

ZURICH AMERICAN INSURANCE	)	
COMPANY, a corporation,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	CIVIL ACTION No. CV-07-216
JUNIORETTE GRIFFIN SMITH, as	)	
administratrix of the estate of ROGER DALE	)	
SMITH, DECEASED,	)	
	)	
Defendant.	)	
	)	

**MOTION FOR DEFAULT JUDGMENT**

Plaintiff, Zurich American Insurance Company, respectfully moves the Court for an Order granting it a default judgment in its favor and against the defendant Juniorette Griffin Smith, as administratrix of the estate of Roger Dale Smith, deceased, and shows the Court in support of its motion that the defendant has failed to plead, answer, or otherwise appear or defend this action, as required by the Federal Rules of Civil Procedure, as more fully set out in the affidavit attached hereto.

Respectfully submitted,

**ZURICH AMERICAN  
INSURANCE COMPANY, a corporation,  
Plaintiff**

s/ Vernon L. Wells, II  
Vernon L. Wells, II (asb-2950-135v)

OF COUNSEL:

WALSTON, WELLS & BIRCHALL, LLP

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SMITH, DECEASED,	)	
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Defendant.	)	
	)	

**AFFIDAVIT IN SUPPORT OF MOTION FOR DEFAULT JUDGMENT**

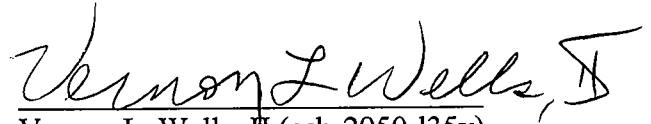
STATE OF ALABAMA )

JEFFERSON COUNTY )

Vernon L. Wells, II, being duly sworn, deposes and says:

1. That he is attorney of record for the plaintiff, Zurich American Assurance Company, and has personal knowledge of the facts set forth in this affidavit.
2. That the defendant in this case, Juniorette Griffin Smith, was duly served with a copy of the summons, together with a copy of the plaintiff's complaint on the 16th day of March, 2007.
3. That more than 20 days have elapsed since the date on which defendant Smith was served with the summons and a copy of the complaint.
4. That the defendant has failed to answer or otherwise to defend as to plaintiff's complaint, or to serve a copy of any answer or other defense which she might have upon the undersigned attorney of record for the plaintiff.

5. That this affidavit is executed by affiant herein and in accordance with Federal Rule of Civil Procedure 55(b)(2), for the purpose of enabling the plaintiff to obtain a judgment by default against the defendant for her failure to answer or otherwise defend the plaintiff's complaint.

  
Vernon L. Wells, II (asb-2950-135v)


Sworn to and prescribed before me this 16th day of April, 2007.

STATE OF ALABAMA )

JEFFERSON COUNTY )

I, the undersigned authority, a Notary Public in and for said county in said state, hereby certify that Vernon L. Wells, II, whose name is signed to the foregoing Affidavit, and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he/she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 16th day of April, 2007.

  
Notary Public

AFFIX SEAL

My commission expires: 3/14/09